

REMARKS

This Amendment is responsive to the Final Action dated July 14, 2004. The claim amendments included herein are merely clarifying amendments and are not meant to change the intended scope of the claims. Thus, the amendments present the rejected claims in better form for consideration on appeal, and should be entered in due course. Moreover, the amendments are manifest, requiring only a cursory review by the Examiner, thereby providing additional ground for their entry.

Claims 1, 53-143 and 284-289 were pending in the application. In the Final Action, claims 1, 53-143 and 284-289 were rejected. Claims 1, 53-143 and 284-289 remain for consideration.

Applicant submits that claims 1, 53-143 and 284-289 are in condition for allowance and requests reconsideration and withdrawal of the rejections in light of the following remarks.

§103 Rejections

Claims 1, 53-143, 284, 286 and 288 were rejected under 35 U.S.C. §103(a) as being unpatentable over Reilly et al. (US Patent No. 5,740,549) in view of Pirani et al. (US Patent No. 5,105,184).

Claims 285, 287 and 289 were rejected under 35 U.S.C. §103(a) as being unpatentable over Reilly in view of Pirani and further in view of Byrne (Getting the Message Across).

In a telephone interview conducted on July 8, 2004, the Examiner kindly indicated to Applicant's representative that claims 1, 53-143 and 284-289 would be allowable if they were amended to recite that the program stored and executed is a "game program." Further, the Examiner indicated that he was prepared to allow the case if an such amendments were agreed to within a matter of days.

Regrettably, Applicant's representative could not confer with Applicant quickly enough to respond to the Examiner's proposal within days of the interview. Nevertheless, Applicant's representative has conferred with Applicant and Applicant has agreed to the present Amendment in which the claims have been amended to recite that the program stored and executed is a "game program." Accordingly, Applicant respectfully submits that all of the claims now pending in the application are in condition for allowance, which action is earnestly solicited.

Applicant gratefully acknowledges the Examiner's assistance in this case.


It is submitted that these claims, as originally presented, are patentably distinct over the prior art cited by the Examiner, and that these claims were in full compliance with the requirements of 35 U.S.C. §112. Changes to these claims, as presented herein, are not made for the purpose of patentability within the meaning of 35 U.S.C. §§101, 102, 103 or 112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicant is entitled.

If any issues remain, or if the Examiner has any further suggestions, he/she is invited to call the undersigned at the telephone number provided below.

The Examiner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account No. 50-0320.

Respectfully submitted,
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By:



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